Dock. 95-92

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Direct Dial Number:
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August 14, 1989

By: Hand Delivery

Mr. Alex D. Felker
Chief, Mass Media Bureau
Federal Communications Commission
Room 314
1919 M Street, N.W.
Washington, D.C. 20554

Re: A.C. Nielsen Company;
Request for Special Temporary Authority

Dear Mr. Felker:

By this letter, and pursuant to Section 73.1635 of the Commission's Rules, 47 C.F.R. §73.1635 (1989), A.C. Nielsen Company ("Nielsen") requests Special Temporary Authority ("STA") to arrange for the transmission by various television broadcast stations of Source Identification ("SID") Codes[1] on line 22 of the "active" portion of the television video signal. As you are aware, Nielsen on July 19, 1989 requested permissive authority to transmit SID Codes on line 22 in support of its national ratings service.[2] The purpose of the instant request is to allow Nielsen to test the performance of its line 22 transmission service for a temporary period using the facilities of television stations that choose to be a part of this test.

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[1] "Source Identification" (or "SID") codes identify a program's originating source, and city, date and time of origination.

[2] By letter to Bradley Holmes, Esq. dated August 11, 1989, Nielsen responded to the Commission's July 28th request for a description of the technical characteristics of Nielsen's SID transmission system. Nielsen is aware that Airtrax, a California General partnership, filed an Opposition to Nielsen's Request for Permissive Authority on August 8, 1989, and Nielsen will respond to Airtrax's contentions in due course.

As you know, Nielsen's national ratings of network and syndicated programming is compiled from two principal sources of data: 1) information regarding the station channels to which monitored television receivers are tuned at specified times, derived principally from Nielsen's "people meters;" and 2) information regarding the programs being broadcast by the respective broadcast stations at those times, or the station's program "line up." The FCC has found that ratings services and, specifically, the transmission of SID Codes in support of those services are "important...to many entities involved in producing the programs which [a] station broadcasts, and without which its viable operation ... would be impossible." Coded Information in TV Broadcasts, 18 R.R.2d 1776, 1787 (1970). The Commission also has determined with specific regard to Nielsen's SID Code transmission system that "the transmission on broadcast frequencies of signals intended to be used in the rendition of a nonbroadcast automatic program identification service [is] in the public interest." Permitting Transmission of Program-Related Signals in the Vertical Blanking Interval of the Standard Television Signal, 43 Fed. Reg. 49331, 49333 (Sept. 2, 1978), citing Report and Order in Docket 19314, 43 F.C.C.2d 927 (1973) at para. 72; and see Coded Information in TV Broadcasts, supra.

Nielsen obtains the information it requires regarding a station's line up principally through the use of the Nielsen "AMOL," or "Automated Measurement of Line Ups" system. Through the use of the AMOL system as currently implemented in over 200 markets, SID Codes are encoded onto line 20 of nationally-televised network or syndicated programming. The encoded programs are then delivered to the station and the Codes are read by Nielsen either just prior to the broadcast of the program through special receivers located at the station (the "in-station" method of monitoring), or at the time of the broadcast through special receivers located in the community served by the station (the "radiated" method of monitoring).[3] The Codes which are read are then coupled with program name information provided by the program suppliers, thus allowing Nielsen to associate a program's name with its recorded broadcast time and produce a "rating" for the program.

The technical characteristics and specifications of Nielsen's AMOL system have been provided to, and reviewed by, the Commission. The AMOL system was first described and approved for use by the FCC in 1974, when the National Broadcasting Company

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[3] The "in-station" method of gathering line-up information is used in connection with those stations that have decided to "strip," or not to broadcast, Nielsen's SID codes.

("NBC") and the other major television networks obtained Special Temporary Authority to test the AMOL system by using it to broadcast SID Codes on line 20 of the Vertical Blanking Interval. Based upon these test results, the AMOL system was found by the Commission not to cause degradation of the service received by television viewers. Specifically, the Commission determined that the AMOL system presents "virtually no potential for program degradation." Permitting Transmission of Program-Related Signals, supra, at Para. 6.[4] Consistent use of the AMOL system in over 200 markets during the 15 years since the granting of NBC's STA has fully confirmed this conclusion; use of the AMOL system on line 20 has not degraded received television service in any way.

In its Request for Permissive Authority, Nielsen proposes to use its same AMOL system already approved by the Commission to encode and transmit SID codes on line 22.[5] Nielsen requires the use of line 22 to qbtain line up information necessary to the provision of its ratings services particularly to independent program syndicators.[6] As the Commission is aware, broadcast stations often videotape syndicated programs for broadcast at a time later than the programs are initially delivered to the stations. For technical reasons associated with the characteristics of the videotape recorders used by many stations, the Nielsen SID codes placed on line 20 (but not those placed on

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[4] In 1981, based upon the successful completion of the tests authorized in the NBC STA, and a Petition filed by NBC in 1977, the FCC amended its Rules to allow the AMOL system to be used to broadcast the SID codes on line 20. Amendment of Section 73.682 of the Commission's Rules to Permit the Transmission of Program Related Signals, 46 Fed. Reg. 40024 (August 6, 1981); 47 C.F.R. §73.682(a)(21) (1989).

[5] As with the Commission's decision regarding Nielsen's line 20 AMOL service, see text supra, the Commission has repeatedly determined that the transmission of SID codes on line 22 was within the Communications Act's definitions of "special signals" and "broadcasting," and was in the public interest. See Letter dated July 18, 1985 from James C. McKinney to Burton Greenberg; Letter dated July 18, 1985 from James C. McKinney to Erwin G. Krasnow; and Letter dated November 6, 1986 from James C. McKinney to John G. Johnson, Jr., all attached hereto as "Exhibit A."

[6] The Commission explicitly decided to grant independent program syndicators as well as the major networks authority to transmit SID Codes on line 20. Permitting Transmission of Program-Related Signals, supra at Para. 8.

line 22) are often stripped by these recorders during playback of the programs, rendering the AMOL system of limited use. Consequently, particularly to provide service to independent program syndicators[7], Nielsen requests authority to use line 22 to provide its AMOL service.

As a step toward providing high-quality AMOL service to independent program syndicators, and in conformance with the procedure used by the Commission in 1974 when it approved the use of Nielsen's AMOL system to broadcast SID Codes on line 20, Nielsen herein requests Special Temporary Authority to conduct over-the-air tests of its line 22 AMOL system by incorporating the AMOL/SID codes into line 22 of programming that will be transmitted over various television broadcast stations around the country. These codes initially will be transmitted by one or two stations, but later will be incorporated into syndicated programming that is broadcast simultaneously by a number of stations nationwide. It is important for Nielsen to be able to test both alternatives to assure that its proposed use of line 22 in either manner will not adversely affect the receipt by the public of high-quality television service. For that reason Nielsen does not wish to limit its tests to specific geographic areas or certain stations.

The proposed use of the AMOL system to transmit SID codes on line 22 will not result in any degradation of television service received by viewers. The technical characteristics of the AMOL system that will be used to transmit SID codes on line 22 are exactly the same as those that the Commission reviewed and approved in 1978 with regard to the use of line 20, the only difference being the minor modification required to transmit on line 22.[8] Similarly, for the same reasons as were found sufficient when line 22 authority was granted to Telescan, VidCode, Ad Audit, and Republic/Airtrax (i.e., overscanning by

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[7]While it sometimes occurs, this "stripping" problem is less significant with regard to network programming principally because network programming normally is broadcast by the network affiliates (with the SID Codes) at the time it is received at the stations.

[8] Notwithstanding the fact that the technical characteristics of Nielsen's AMOL System as used on line 22 are the same as the characteristics of the system as used on line 20 (which have already been provided to the Commission), we have set forth the chacteristics of the Nielsen AMOL/line 22 system in Exhibit B hereto.

television receivers)[9], Nielsen's AMOL/SID codes transmitted on line 22 will not be visible to viewers. To confirm this fact, Nielsen on May 30, 1989 undertook viewing tests during which individuals were given videotapes that were encoded with SID codes on line 22 for viewing on their home television sets. Not a single viewer in the test reported seeing the codes, even though some were told in advance that they were present.[10]

In light of the above, Nielsen requests authority to arrange, for at least 180 days, the transmission by broadcast stations that choose to do so of programming incorporating Nielsen's SID codes on line 22. All stations which may broadcast programs containing an encoded line 22 will be informed of the encoding prior to their broadcast, and no station will be required in any way to broadcast these codes. Pursuant to Section 73.658(e) of the Commission's Rules, 47 C.F.R. §73.658(e) (1989), and in conformance with Nielsen's practice in implementing its use of the AMOL system on line 20, all stations proposed to be a part of this test will have the right to decline to broadcast Nielsen's AMOL/SID codes at any time.

Because of the competitive nature of the market, **Nielsen requests that the Special Temporary Authority requested herein be granted as soon as possible.** As is the case normally with requests for special temporary authority, Nielsen believes that public notice and comment on its STA request is not necessary or appropriate. As indicated above, the technical chacteristics of Nielsen's AMOL system have already been subject to public review and comment, see Permitting Transmission of Program-Related Signals, supra, have undergone exhaustive testing, and have withstood the rigors of commercial implementation in over 200 markets over many years, all without any reports of actual or suspected degradation of signal quality. In addition, similar proposals to use line 22 for the purpose of transmitting SID codes already have been examined in various public proceedings. See, e.g., Public Notice, Ad Audit, Inc. Requests FCC Approval of

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[9] See Exhibit A hereto.

[10] To allow the Commission itself to verify that the SID Codes appearing on line 22 will not be visible to the television audience, Nielsen enclosed with its August 11th letter to Bradley Holmes a VHS format videotape of a typical television program, line 22 of which was encoded with AMOL/SID codes. (The audio track of the tape was intentionally deleted.) As is readily apparent from a viewing of that tape, Nielsen's SID codes are not visible during normal television viewing and the presence of the Codes on line 22 does not degrade the perceived quality of the program in any way.

System, for Verification of Broadcasts of Programs or Commercials, Mimeo No. 5304, released June 21, 1985 (addressing proposals by both Ad Audit, Inc. and Telescan, Inc.). Indeed, Airtrax successfully argued against having its own proposed use of line 22 made subject to public comment. See letter dated October 22, 1986 from John G. Johnson, Jr., Esq. Counsel to Airtrax, to Charles G. Schott, FCC Policy and Rules Division. It would be fundamentally unfair and inappropriate to require Nielsen to delay the testing of its AMOL system on line 22 when it has already had its system and proposal reviewed by the public and when other proposals to use line 22 have not been subject to similar notice and comment procedures.

Thank you for your attention to this matter, and any questions regarding this matter may be referred to the undersigned.

Sincerely,

Grier C. Raclin

cc: Roy J. Stewart, Video Services Division
Stephen F. Sewell; Video Services Division
Bradley P. Holmes, Esq.; Policy and Rules Division
James McNally, Policy and Rules Division
Bernard Gorden; Policy and Rules Division
Clay Pendarvis; Television Branch
Gordon Godfrey; Television Branch

Letter to Alex B. Felker
August 14, 1989
Exhibit A

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUL 18 1985

IN REPLY REFER TO:

Mr. Burton Greenberg
TeleScan, Inc.
36 East 12th Street
New York, New York 10003

Dear Mr. Greenberg:

This responds to the request submitted by TeleScan, Inc., on May 7, 1985, for FCC approval of a system to encode advertiser identification signals on line 22 of the television active video signal.

As described by TeleScan, this system would be used to provide independent verification of broadcasts of advertising messages. In operation, data signals carrying an advertiser's ISCI identification number would be encoded on commercials broadcast by a television station. The television station's signal would be monitored by equipment capable of decoding the data and recording it, along with the date, time of day, length of commercial, and presence of audio and video. TeleScan then would use the recorded information to provide various reports for its advertiser clients.

TeleScan indicates that it would prefer to transmit its signals on line 20 of the vertical blanking interval (VBI), but it has met resistance from broadcasters who are reserving this resource for their own purposes. It, therefore, desires to test and possibly implement the TeleScan system on line 22.

The Mass Media Bureau requested comments on the TeleScan request in a Public Notice released June 10, 1985. Comments were submitted by parties representing broadcasting and advertising interests. The commenting parties representing broadcasting interests express some concerns and reservations with respect to use of the TeleScan system, but in general are not opposed to its authorization. In particular, broadcasters argue that they should be informed of the presence of TeleScan signals and that the ultimate control and authority with respect to transmission of these signals should rest with the individual television station licensees. Broadcasters also are concerned that the TeleScan system is relatively untested and might cause interference or degradation to picture quality on some receivers, particularly new units that they claim do not employ overscanning. The CBS and ABC television networks oppose authorization of the TeleScan system. They submit that the presence of data signals on line 22 will cause unacceptable interference to picture

quality and that the monitoring of commercial announcements can be performed by other means that will not impair the video service. Commenting parties representing advertising interests support the authorization and use of a system for electronically monitoring broadcasts of commercial messages.

Upon examination of TeleScan's request, we believe that the TeleScan data qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast program signal. Therefore, under the authority of Section 303(c) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to ". . . the purity and sharpness of emissions from stations . . . ," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasible to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that the TeleScan system meets the standards established for special signals. TeleScan data, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of broadcast of advertising messages is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the TeleScan system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be encoded requires that it be transmitted as an integral part of its associated program material. Thus, we believe it would not be practical to transmit TeleScan commercial verification data separately from the television signal carrying the program being monitored.

Our evaluation of the technical description of the TeleScan system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video program service. It appears that use of the TeleScan system would not require changes to any component of a station's program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the TeleScan system is consistent with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to

authorize transmission of TeleScan signals on line 22 of the television picture for the purpose of verification of broadcasts of commercial announcements. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit TeleScan signals. It would therefore be permissible for a broadcaster to blank the TeleScan data line or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit TeleScan signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED for general use of the TeleScan system on line 22 by licensees in the television services. This authority is limited to use of the TeleScan system for purposes of verification as discussed herein. No other broadcast uses of the TeleScan system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.283 of the Commission's rules.

Sincerely,

James C. McKinney

James C. McKinney
Chief, Mass Media Bureau

830

JUL 18 1985

Mr. Erwin G. Krasnow
Verner, Liipfert, Bernhard, McPherson
and Hand, Chartered
1660 L Street, N.W.
Suite 1000
Washington, DC 20036

Dear Mr. Krasnow:

This responds to the request submitted by Ad Audit Inc., on June 12, 1985, for FCC approval of a system to encode advertiser and program identification signals on line 22 of the television active video signal.

As described by Ad Audit, this system would be used to provide independent verification of broadcasts of programs and commercial messages. In operation, data signals carrying program identification information would be encoded on commercial announcements and programs broadcast by a television station. The television station's signal would be monitored by equipment capable of decoding the data and recording it, along with the date, time of day, length of commercial, and presence of audio, video, and color. Ad Audit then would use the recorded information to provide various reports for its clients.

Ad Audit indicates that it would prefer to transmit its signals on the vertical blanking interval (VBI). However, Ad Audit recognizes that television stations use the VbI for other purposes and is concerned that stations might delete its data if it were encoded on this portion of the television signal. In order to ensure that its signals are transmitted, Ad Audit seeks to encode the identification data on line 22 of the active video signal.

The Mass Media Bureau requested comments on the Ad Audit request in a Public Notice released June 21, 1985. Comments were submitted by parties representing broadcasting and advertising interests. The commenting parties representing broadcasting interests express some concerns and reservations with respect to use of the Ad Audit system, but in general are not opposed to its authorization. In particular, broadcasters argue that they should be

informed of the presence of Ad Audit signals and that the ultimate control and authority with respect to transmission of these signals should rest with the individual television station licensees. Broadcasters also are concerned that the Ad Audit system is relatively untested and might cause interference or degradation to picture quality on some receivers, particularly new units that they claim do not employ overscanning. The CBS and ABC television networks oppose authorization of the Ad Audit system. They submit that the presence of data signals on line 22 will cause unacceptable interference to picture quality and that the monitoring of commerical announcements can be performed by other means that will not impair the video service. Commenting parties representing advertising interests support the authorization and use of a system for electronically monitoring broadcasts of commercial messages.

Upon examination of Ad Audit's request, we believe that the Ad Audit data qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast program signal. Therefore, under the authority of Section 303(e) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to ". . . the purity and sharpness of emissions from stations . . . ," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasible to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that the Ad Audit system meets the standards established for special signals. Ad Audit data, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of broadcast of advertising messages and programs is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the Ad Audit system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be encoded requires that it be transmitted as an integral part of its associated program material. Thus, we believe it would not be practical to transmit Ad Audit verification data separately from the television signal carrying the program being monitored.

Our evaluation of the technical description of the Ad Audit system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video program service. It appears that use of the Ad Audit system would not require changes to any component of a station's

program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the Ad Audit system is consistent with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial and program verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to authorize transmission of Ad Audit signals on line 22 of the television picture for the purpose of verification of broadcasts of programs and commercial announcements. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Ad Audit signals. It, therefore, would be permissable for a broadcaster to blank the Ad Audit data line or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit Ad Audit signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED for general use of the Ad Audit system on line 22 by licensees in the television services. This authority is limited to use of the Ad Audit system for purposes of verification as discussed herein. No other broadcast uses of the Ad Audit system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.283 of the Commission's rules.

Sincerely,

James C. McKinney

James C. McKinney
Chief, Mass Media Bureau

AStillwell:lg/prd;pab/MMB
Typed: 7/18/85

8308

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

NOV 6 1986

Mr. John C. Johnson, Jr.
Kadison, Pfaelzer, Woodward, Quinn & Rossi
2000 Pennsylvania Ave., N.W.
Washington, D.C. 20006

IN REPLY REFER TO:

Dear Mr. Johnson:

This is in response to your letters of October 22, 1986, and October 31, 1986 regarding a method developed by Republic Properties Inc. (Republic), for encoding advertiser-related and program-indentification information on line 22 of the television active video signal. The information that would be encoded on to line 22 would consist of data identifying commercial advertisements and other program material, including the date and time of day of the advertisements or other material, the length of the presentation and the presence of audio, video and color content in the presentation. You indicate that your client's method is similar to a method previously developed by Ad Audit Inc. and subsequently approved by the Commission. You also indicate that Republic's system operates within the technical confines of the Ad Audit system and therefore request that the Commission similarly approve Republic's proposed system.

Upon examination of your request, we believe that the Republic system signal qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast signal. Therefore, under the authority of Section 303(e) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to. . . the purity and sharpness of emissions from stations. . .," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasable to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that Republic's system meets the standards established for special signals. Republic's signal, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of the broadcast of advertising messages is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the Republic system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be

encoded requires that it be transmitted as an integral part of its associated program material. Thus we believe it would not be practical to transmit commercial verification data separately from the television signal carrying the program being monitored.

Our evaluation of the technical description of the Republic system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video progam service. It appears that the use of Republic's system would not require changes to any component of a station's program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the Republic system is consistant with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to authorize transmission of the Republic system on line 22 of the television picture for the purpose of verification of broadcasts of commercial announcements and other program material. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Republic's signals. It would therefore be permissible for a broadcaster to blank the system's signal or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit the system's signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED for general use of the Republic system on line 22 by licensees in the television services. This authorty is limited to use of the Republic system for the purposes of verification as discussed herein. No other broadcast uses of the Republic system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.283 of the Commission's rules.

Sincerely,

/s/ James C. McKinney

James C. McKinney
Chief, Mass Media Bureau

SRoberts/sr/pab/PRD/MMB
typed 11/4/86

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D C 20554

MAIL BRANCH

AUG 28 1987

AUG 28 1987

Signed by
mailed by

Mr. Schuyler M. Moore
Gipson Hoffman & Pancione
1888 Century Park East, Suite 1777
Los Angeles, CA 90067

Dear Mr. Moore:

This is in response to your letters of July 16, 1987, and July 21, 1987, to William Hassinger of this office and of August 19, 1987, to William H. Johnson, Acting Chief of the Mass Media Bureau, regarding a method developed by Republic Properties Inc. (Republic), for encoding advertiser-related and program-identification information on line 22 of the television active video signal. In your letters, you specifically request permission to transfer the FCC approval of the Republic system (letter of November 6, 1986) to "Air Trax," a limited partner of Republic.

The authority granted by the Bureau's letter of November 6, 1986, was "for general use of the Republic system on line 22 by licensees in the television services." As long as the system a licensee employs has the same technical characteristics of that contained in the initial filing and is in this sense the "Republic system," it may be used by any licensee. It is the licensee that we hold responsible for compliance with Commission rules and policies. If there are proprietary aspects to this system, they may be transferred without Commission approval but the technical aspects of the operation must remain as initially represented for the approval to remain valid.

As indicated in the November 6, 1986, authorization, we wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Republic's signals. The authority to transmit the system's signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers. Further, the authority is limited to the purposes of verification as discussed in the November 6, 1986, letter. No other broadcast uses of the system described herein are permitted without the express consent of the Commission.

Sincerely,

William H. Johnson

William H. Johnson
Acting Chief, Mass Media Bureau

SRoberts/sr/pab/PRD

Hm-8368
Blumenthal

OCT 26 1988

Exhibit B

RECEIVED BY
MAIL BRANCH
OCT 26 1988

RECEIVED BY
OCT 27 1988
MAIL BRANCH

signed by
mailed by

Mr. Kevin McMahon
Davis, Hoxie, Faithfull and Hapgood
45 Rockefeller Plaza
New York, New York 10011

Dear Mr. McMahon:

This is in response to your letters of August 23, and September 14, 1988, regarding the general use of the "TeleScan system" to encode advertiser identification signals on line 22 of the television active video signal by television station licensees. Specifically, you request that the Commission confirm that the authorization it granted for use of the "TeleScan system" by TeleScan, Inc., (letter dated July 18, 1985) applies to the provision of such services by VidCode, Inc., as well. You note that VidCode is a new company that is unrelated to TeleScan and will have different ownership. You also state that VidCode expects to acquire the patents and patent applications for the "TeleScan system" from their current owners.

As you know, on May 7, 1985, TeleScan requested that the Commission approve a system to encode advertiser identification signals on line 22 of the television active video signal. The Commission approved TeleScan's request, determining, first, that the transmission of such data qualified as a "special signal," (i.e., a signal that is related to broadcast operation, but not intended for public use), and, second, that the authority granted was "for general use of the TeleScan system on line 22 by licensees in the television services." The authority granted in the July 18, 1985, letter allows any television licensee to employ a system having the same technical characteristics as the Telescan system so long as the conditions set forth in that letter are satisfied. The Federal Communications Commission expresses no position with respect to the legality under applicable laws relating to intellectual property rights of the use of the TeleScan system by VidCode or any other party. Moreover, we wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit VidCode signals.

Chron?

Sincerely,

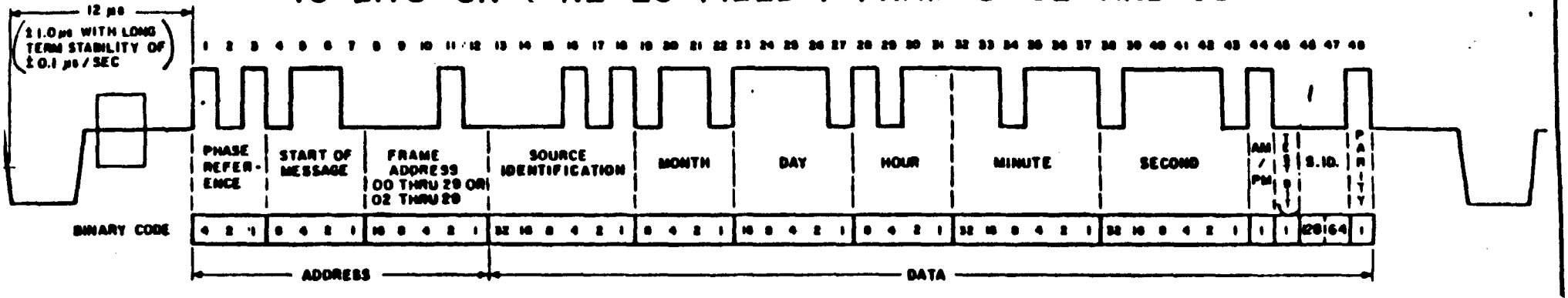
Alex D. Felker
Chief, Mass Media Bureau

PBlumenthal:jy:pab:prd:MB
Typed: 10/24/88

Letter to Alex B. Felker
August 14, 1989
Exhibit B

AMOL SOURCE IDENTI. .CATION SIGNAL FORMAT . IGURE 1

48 BITS ON . NE 20 FIELD I FRAM S 02 AND 03



TYPICAL WAVEFORM SHOWN IS FOR LINE 20 FIELD 1 FRAMES 02 AND 03
AND IS CODED STARTING AT BIT 8: FRAME 02, ABC SOURCE IDENTIFICATION 05, 6TH MONTH, 30TH DAY, 11TH HOUR, 55TH MINUTE, 30TH SECOND, PM, EASTERN DAYLIGHT TIME. BIT 48 INDICATES ODD PARITY DURING THIS TRANSMISSION.

FRAME ADDRESS

S 1 THROUGH 12 AND 48 APPEAR ON ALL FRAMES. BITS 13 THROUGH 47 Y CONTAIN DIFFERENT INFORMATION ON DIFFERENT FRAMES AS SIGNED BELOW.

AME	ASSIGNMENT
	NOT ASSIGNED - SEE NOTE 10
	NOT ASSIGNED - SEE NOTE 10
	BIS CALENDAR AND TIME
	BIS CALENDAR AND TIME
-29	NOT ASSIGNED

11-02

SOURCE IDENTIFICATION ASSIGNMENT

00 -15	ABC
16 -31	CBS
32 -47	NBC
48 -63	PBS
64 -79	ABC
80 -95	CBS
96 - 111	NBC
112 -127	PBS
128 -143	NOT ASSIGNED
144 -159	" "
160 -175	" "
176 -191	" "
192 -207	" "
208 -223	" "
224 -239	" "
240 -255	NOT ASSIGNED

NOTES

1. SEND ON LINE 20 FIELD 1 ONLY.
2. RISE TIME 280 ns ± 50 ns, OVERSHOOT, UNDERSHOOT AND SPURIOUS SIGNALS LESS THAN ± 2 IRE UNITS.
3. BIT INTERVALS 1µs ± 0.1 µs, N.A.D. WITH CUMULATIVE ERROR OVER 48 BITS PER LINE NOT TO EXCEED 0.5 µs.
4. DATA IS IN BINARY CODE.
5. "1" = 50 IRE UNITS −0 + 10 IRE UNITS.
6. "0" = 0 IRE UNITS −0 + 10 IRE UNITS.
7. AM = 0, PM = 1
8. BIT 45 IS AVAILABLE FOR FORCING A CHANGE LINE IN DECODER MEMORY FOR SYSTEM TEST.
9. VIDEO NOT TO SCALE.
10. FRAME ADDRESSES 00 AND 01 ARE OMITTED IN CERTAIN SECONDS PER DROP FRAME TIME CODE. DELETING THESE FRAME NUMBERS ADJUSTS THE FRAME COUNT SO THAT FRAME COUNT TIME WILL TRACK REAL TIME SECONDS.
11. WHEN PRESENT, FRAME ADDRESS 00 IDENTIFIES THE FIRST EVEN FRAME NUMBER. WHEN FRAME ADDRESS 00 IS OMITTED, 02 IS THE FIRST EVEN FRAME ADDRESS.
12. THE DATA IN ADJACENT FRAMES 02 AND 03 ARE IDENTICAL. DATA CHANGES MAY OCCUR FOLLOWING FRAME 03 AND BEFORE THE NEXT FRAME 02.
13. BIT 48 WILL BE A PARITY BIT AND BE EQUAL TO A ONE WHEN THE SUM OF BITS 1 THRU 47 ARE EVEN FOR THAT TRANSMISSION. (ODD PARITY)